Message

From: OCSPPNews [OCSPPNews@epa.gov]
Sent: 11/30/2021 9:34:06 PM
To: Blair, Susanna [Blair.Susanna@epa.gov]; Brautigam, Grace [Brautigam.Grace@epa.gov]; Carlisle, Sharon [Carlisle.Sharon@epa.gov]; Dennis, Allison [Dennis.Allison@epa.gov]; Diaz, Catherine [Diaz.Catherine@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]; Dunton, Cheryl [Dunton.Cheryl@epa.gov]; Estling, Noah [Estling.Noah@epa.gov]; Freedhoff, Michal [Freedhoff.Michal@epa.gov]; Garcia, Beth [garcia.beth@epa.gov]; Goodis, Michael [Goodis.Michael@epa.gov]; Hanley, Mary [Hanley.Mary@epa.gov]; Hartman, Mark [Hartman.Mark@epa.gov]; Harwood, Laura [Harwood.Laura@epa.gov]; Hauff, Amanda [Hauff.Amanda@epa.gov]; Henry, Tala [Henry.Tala@epa.gov]; Hughes, Hayley [hughes.hayley@epa.gov]; Izeman, Alexander [Izeman.Alexander@epa.gov]; Kaiser, Sven-Erik [Kaiser.Sven-Erik@epa.gov]; Keigwin, Richard [Keigwin.Richard@epa.gov]; Kochis, Daniel [Kochis.daniel@epa.gov]; Kovner, Karissa [Kovner.Karissa@epa.gov]; Kragie, Sheila Xiah [kragie.sheila@epa.gov]; Kramer, George [Kramer.George@epa.gov]; Labbe, Ken [Labbe.Ken@epa.gov]; Layne, Arnold [Layne.Arnold@epa.gov]; Li, Jake [Li.Jake@epa.gov]; Lourie, Noah [Lourie.Noah@epa.gov]; Messina, Edward [Messina.Edward@epa.gov]; Nguyen, Khanh [Nguyen.Khanh@epa.gov]; OPP Branch Chiefs [OPP_Branch_Chiefs@epa.gov]; OPP Deputy & Associate Directors [OPP_Deputy_&_Associate_Directors@epa.gov]; OPP Division Directors [OPP_Division_Directors@epa.gov]; OPP IO [OPP_IO@epa.gov]; OPPT Managers [OPPT_Managers@epa.gov]; OPS CSID CB [OPS_CSID_CB@epa.gov]; Parsons, Doug [Parsons.Douglas@epa.gov]; Picone, Kaitlin [Picone.Kaitlin@epa.gov]; Pierce, Alison [Pierce.Alison@epa.gov]; Pinto, Ana [Pinto.Ana@epa.gov]; Richmond, Jonah [Richmond.Jonah@epa.gov]; Romanovsky, Anna [Romanovsky.Anna@epa.gov]; Romer, Jennie [Romer.Jennie@epa.gov]; Scheifele, Hans [Scheifele.Hans@epa.gov]; Schmit, Ryan [schmit.ryan@epa.gov]; Smith, Carolyn [smith.carolyn@epa.gov]; Sullivan, Melissa [sullivan.melissa@epa.gov]; Tyler, Tom [Tyler.Tom@epa.gov]; Varnado, Miriam [Varnado.Miriam@epa.gov]; Vendinello, Lynn [Vendinello.Lynn@epa.gov]; Vernon, Jennifer [Vernon.Jennifer@epa.gov]; Weiner, Janet [Weiner.Janet@epa.gov]; Woodruff, Monica [Woodruff.Monica@epa.gov]; Zapata, Cesar [Zapata.Cesar@epa.gov]
Subject: OCSPP News for November 30, 2021

OCSPP Daily News Round-Up

General EPA

- E&E News 11/29; Senate committee schedules votes on 4 EPA nominees

Toxics

- Indiana Environmental Reporter 11/30; EPA requires natural gas facilities to report pollution data
- Inside TSCA 11/29; ACC Urges 'Complete Overhaul' Of EPA's TSCA E-Reporting System
- Inside TSCA 11/29; FDA Eyes IRIS Analyses To Develop Risk Levels For Heavy Metals In Food

PFAS

- Colorado Politics 11/29; Colorado intensifies efforts against 'forever chemicals' in water supplies

Pesticides

- E&E News 11/29; Lawmakers press Biden admin on coastal pollution, cancer link
- Michigan Farm News 11/29; GOP Ag Committee members want EPA to reverse chlorpyrifos decision
- Inside TSCA 11/29; Court seeks firm's benefits data to help settle COVID case with EPA
- YubaNet 11/29; Pesticides Can Affect Multiple Generations of Bees

Blog/OpEd/Other

- Bergeson & Campbell Blogs 11/29; EPA Proposes SNUR for Certain Multi-Walled Carbon Nanotubes
- Beyond Pesticides 11/30; CA Supreme Court Upholds $87M Award in Glyphosate Damage Lawsuit, Bayer/Monsanto Challenge Fails

++
+

Senate committee schedules votes on 4 EPA nominees
Kevin Bogardus, E&E News
https://subscriber.politicopro.com/article/eenews/2021/11/29/senate-committee-lines-up-votes-on-4-epa-nominees-283590

E&E DAILY | The Senate Environment and Public Works Committee will vote Wednesday on several top EPA nominees.

On the agenda are Chris Frey, nominee to lead EPA's science office; Amanda Howe, tapped to head the agency's mission support arm; David Uhlmann, up for top enforcement official; and Carlton Waterhouse, picked to take charge of the solid waste office.

Also up for markup this week are bills to rename federal buildings and the nomination of Jennifer Clyburn Reed to be federal co-chair of the Southeast Crescent Regional Commission.

Senators last month pressed Frey, the president's choice for EPA assistant administrator for research and development, on the administration's plans for climate change regulations and per- and polyfluoroalkyl substances, or PFAS.

Before the hearing with Frey, the panel was supposed to vote on other EPA nominees, specifically Howe, Uhlmann and Waterhouse. But that markup was delayed "to accommodate scheduling conflicts," an aide told E&E News at the time (E&E Daily, Oct. 28).

The Senate has confirmed seven of the president's nominees for EPA, with the latest being Jeffrey Prieto for general counsel. He cleared the chamber on a 54-44 vote earlier this month (E&E Daily, Nov. 4).

With Frey, Howe, Uhlmann and Waterhouse likely to advance this week, one post remains notably empty. The president has yet to name someone for head of EPA's air office, a critical position at the agency leading the charge against air pollution and climate change.

Schedule: The markup is Wednesday, Dec. 1, at 9:45 a.m. in 406 Dirksen and via webcast.

EPA requires natural gas facilities to report pollution data
Enrique Saenz, Indiana Environmental Reporter
https://www.indianaenvironmentalreporter.org/posts/epa-requires-natural-gas-facilities-to-report-pollution-data

The U.S. Environmental Protection Agency finalized a rule that adds natural gas processing facilities to the list of industrial sectors required to report chemical releases and pollution.

The rule would add 482 natural gas facilities nationwide to the Toxics Release Inventory, requiring them to report the emission of at least one of 21 chemicals covered by the TRI.

Depending on the composition of the gas they are processing, facilities can emit hydrogen sulfide, methane, benzene, toluene, ethyl benzene, mixed xylenes and n-hexane.

The natural gas processing facilities will begin tracking their releases and other waste management quantities in January 2022 and will submit TRI data beginning in 2023.

As of March 2021, Indiana did not have any natural gas processing facilities, but had about 30 natural gas storage facilities. According to the U.S. Department of Energy, 36 of the state's 179 power plants are powered by natural gas.

ACC Urges 'Complete Overhaul' Of EPA's TSCA E-Reporting System
Diana DiGangi, Inside TSCA
https://insideepa.com/tsca-news/acc-urges-complete-overhaul-epa-s-tsca-e-reporting-system

The American Chemistry Council (ACC) says EPA's electronic reporting software for TSCA chemical data requires a "complete overhaul" to fix "significant and ongoing technical issues," warning the agency that its problems go beyond the chemical data reporting (CDR) program and are interfering with a host of other mandatory submissions.

In Nov. 22 comments on EPA's proposal to update its information collection request (ICR) setting the terms of data requests for facilities subject to the Toxic Release Inventory (TRI) program, ACC says the Central Data Exchange (CDX) e-reporting tool is "plagued" by technical faults that will undermine TRI, CDR and several other chemical reporting requirements if left unfixed.

"Although the 2020 eCDRweb reporting tool underwent a significant upgrade prior to the 2020 [CDR] reporting period, the CDX reporting system was, and continues to be, plagued with significant and ongoing technical issues that impeded the reporting process throughout the entire reporting period," ACC says.

Errors in the CDR reporting tool forced EPA to delay last year's deadline for the program's quadrennial filings submissions into early 2021, and officials quickly vowed to fix the software for the next cycle ending in 2024.

But ACC now says the agency must work much faster to address CDX's problems, because they are affecting "all" electronic filings under the Toxic Substances Control Act (TSCA).

"The technical issues industry experienced with the 2020 CDX reporting tool are not limited to the CDR; they are systemic and impact most, if not all, TSCA compliance communications between industry and EPA. The agency must provide a functional reporting tool not only to improve CDR submissions but to improve the capability of the CDX for all TSCA-related submissions by industry," the letter says.

The group adds, "These technical issues included errors with the validation process, preview generation process, confidential business information (CBI) substantiations, co-manufacturing submissions, and other general reporting processes."

While regulated companies have been generally able to submit their TSCA data through CDX with enough effort, ACC says, the process has taken an average of three times as long as in past years, drastically increasing firms' compliance costs.

Indeed, the letter continues, EPA's estimated "burden" for industry to submit data under the proposed ICR, though higher than in prior years, is still far lower than what the current system requires.

"ACC appreciates that EPA increased the burden estimates for industry to implement the changes introduced in the 2020 CDR rule but must note that these estimates are only accurate if a complete overhaul of the CDX reporting system is finalized and properly beta tested prior to the start of the 2024 reporting period," ACC writes.

The trade group's warnings come as EPA is expanding several TSCA and other chemical reporting mandates, including adding more facilities to TRI and crafting a novel "tiered" reporting program for chemicals subject to the toxics law's risk-evaluation process.

And some industry groups have already warned that its proposed data rule for per- and polyfluoroalkyl substances (PFAS) could overwhelm CDX.

Increased Burden

ACC writes in its letter that it supports the EPA's need to collect "relevant information on chemicals in commerce" and is not objecting to the scope of the proposed ICR, but instead says the burden of compliance is much higher than it would be with a fully functioning CDX tool.

In particular, it argues that EPA's upgrade of the software prior to the 2020 reporting period, as well several updates released during that seven-month reporting period, were not sufficient to address the program's faults -- and in some cases created new roadblocks to filing CDR's mandatory "Form U" submissions.

ACC notes that "many times following these updates, new or previously corrected technical issues would occur causing validation [...]

FDA Eyes IRIS Analyses To Develop Risk Levels For Heavy Metals In Food
Maria Hegstad, Inside TSCA
https://insideepa.com/tsca-news/fda-eyes-iris-analyses-develop-risk-levels-heavy-metals-food

The Food and Drug Administration (FDA) is looking to EPA's Integrated Risk Information System (IRIS) assessments of developmental harms from several toxic heavy metals as a key factor in its new project to develop action levels for several of the substances including mercury and lead in foods commonly eaten by infants and young children.

An FDA spokeswoman tells Inside TSCA that the agency intends to consider IRIS assessments in its "Closer to Zero" project designed to assess new research on the toxicity of arsenic, cadmium, lead and mercury. The FDA first announced that plan in April, building on a winter report to Congress, with assessments slated to start in 2022 and to produce final "action levels" for the four metals by 2024 -- with a draft for lead expected by April.

"Since laying out our Closer to Zero plan in April, the FDA continues to make steady progress towards developing action levels for toxic elements in categories of baby foods," the spokeswoman says. "[E]valuating scientific evidence is key to informing the development of action levels. We are including in our review the EPA IRIS assessments and we anticipate that as new data and information become available, we will revisit the action levels and update as appropriate."

Of the four metals identified in the Closer to Zero agenda, IRIS has assessed three -- arsenic, cadmium and mercury -- and is working on updated assessments of arsenic, methylmercury and inorganic mercury, and a top FDA official said at the project's first public stakeholder meeting that toxicity data such as EPA's will be key to

targeting the agency's exposure reduction efforts.

"Although it will be difficult if not impossible to get to the point of zero exposures, we believe we can make improvements," Conrad Choiniere, director of the Office of Analytics and Outreach within FDA's Center for Food Safety and Applied Nutrition said during the Nov. 18 meeting. "We will evaluate the science of exposures, establish levels to help reduce exposures in foods and help all while actively monitoring."

EPA toxicologist Laura Dishaw, who works on the IRIS program, was one of the speakers at the Nov. 18 meeting, though she did not discuss active work on the arsenic, methylmercury or mercury assessments. Rather, she described prenatal, infant and children's developmental stages and research on effects of exposures to toxic materials at each of those key windows of development.

The spokeswoman told Inside TSCA that FDA will review public comments from the Nov. 18 meeting "and will continue to work with our federal partners (including the EPA), industry and advocates to ensure that we make meaningful and lasting reductions in exposure to toxic elements from foods."

The Closer to Zero website says FDA plans to use that and other research to develop "interim reference levels (IRLs) for certain toxic elements as appropriate," defining the IRL metric as "a measure of exposure from food that the FDA may use to determine if the amount of exposure to an individual element across foods could result in a specific health impact."

It continues that IRLs "may be among the key factors that inform the development of the FDA's proposed action levels for certain toxic elements in categories of baby foods (e.g., cereals, infant formula, pureed fruits and vegetables) and other foods commonly eaten by babies and young children."

Action Levels

FDA's website says that "because of currently available data, we will start with proposing action levels for lead while we evaluate data for the other toxic elements," and its diagram indicates that the agency expects to propose a level for lead by April 2022.

Arsenic appears to be next, with FDA's website indicating it plans to propose an arsenic level between April 2022 and April 2024, and to finalize the lead level in that same window. The schedule includes no target for proposing levels for cadmium or mercury before April 2024.

FDA says that after proposing action [...]

Colorado intensifies efforts against 'forever chemicals' in water supplies
Jerd Smith, Colorado Politics
https://www.coloradopolitics.com/energy-and-environment/colorado-intensifies-efforts-against-forever-chemicals-in-water-supplies/article_643c34ff-3b4a-5c8a-9940-76ca19a688f8.html

This fall Colorado has launched two new programs, one aimed at removing firefighting foam containing so-called "forever chemicals" from fire departments, military bases and other properties and an emergency grant program aimed at helping communities where the chemicals have appeared in drinking water.

The chemicals, known broadly as PFAS or poly- and per-fluoroalkyl substances, have long lifespans and have been linked to certain cancers. Contained in such common substances as Teflon and Scotchguard, they are also

widely used to fight fires, particularly those involving jet fuel.

"We're learning more every day about PFAS and its exposure in our environment," said Erin Garcia, a spokeswoman with the Colorado Department of Public Health and Environment (CDPHE).

The unregulated substances were once thought to be rare, but since at least 2015 have shown up at alarming levels in communities such as Fountain and Security, where groundwater was contaminated by runoff from the nearby Peterson Air Force Base. Those two communities were forced to shut down their water systems, find temporary substitute supplies, and build new treatment systems.

The chemicals have also been found in groundwater wells that serve Commerce City and in areas near the Suncor Refinery in Adams County and Buckley Air Force Base in Aurora, among other sites.

Two years ago, as more testing revealed more contaminated sites, the CDPHE vowed to boost its oversight. Since then the Colorado Legislature has provided the health department with more authority and money to combat the problem, including conducting surveys to identify contaminated sites and drinking water systems, and providing as much as $8 million to buy contaminated firefighting foam and store it, and to help communities whose water has been tainted by the compounds.

Dozens of fire departments, military facilities, water utilities, and commercial properties as diverse as hotels and apartment complexes, are now monitoring and testing for the substances.

As Colorado has ramped up its oversight, last month the EPA announced it would begin work on a regulation that will, for the first time, set a limit on PFAS compounds in drinking water. It is set to be available for public review next fall and would be finalized by the fall of 2023.

Ron Falco, CDPHE's safe drinking water program manager, said he's pleased the EPA is moving to regulate PFAS, but he said fast action is critical.

"We want the EPA to hit that timeline," he said.

The South Adams County Water and Sanitation District, which serves Commerce City, is watching the state's progress carefully. It discovered PFAS contamination in 2018 when it began testing voluntarily for the substances after the crises in Fountain and Security.

It already had in place a carbon filtering system and was able to strengthen it to reduce PFAS contamination in its system to 35 parts per trillion (ppt), half of the EPA's voluntary 70 ppt guideline. It also had to shut down wells whose contamination levels were so high, 2,400 ppt, that no amount of carbon filtering could remove the chemicals fast enough to keep the drinking water safe.

"The key here is that we can treat the current levels," said Kipp Scott, manager of drinking systems at the South Adams County district, but better treatment will be needed once the federal regulation takes effect.

And that means the district will need to install a new system that uses an ion exchange technology to remove the chemicals. Its estimated cost is $70 million. Scott said the district hopes the state's emergency grant fund and new federal infrastructure dollars will help cover the cost.

"I hope this moves in the right direction, and we can continue to provide safe water to our customers," Scott said.

Lawmakers press Biden admin on coastal pollution, cancer link
Anne C. Mulkern, E&E News
https://subscriber.politicopro.com/article/eenews/2021/11/29/lawmakers-press-biden-admin-on-coastal-pollution-cancer-link-283692

E&E NEWS PM | The Biden administration should scrutinize whether coastal pollutants are putting people at higher risk for cancer, two lawmakers said today.

Democratic Reps. Ted Lieu and Julia Brownley, co-chairs of the California Coastal Caucus, urged the move in a letter to Health and Human Services Secretary Xavier Becerra and EPA Administrator Michael Regan.

They recommended looking at the impacts of dichlorodiphenyltrichloroethane (DDT).

That pollutant may be causing a spike in cancer in sea lions, and might also be causing a spike in cancer in humans, the letter said.

"The Southern California coast was previously used as a DDT dumping ground," the letter said. "Humans can also eat the same seafood that sea lions do, and the obvious question is if DDT is indeed causing a spike in cancer in sea lions, is this DDT also causing a spike in cancer in humans?"

The Marine Mammal Center in Sausalito, Calif., is the largest marine mammal hospital in the world. Scientists there have found increases of urogenital carcinoma in sea lions.

There are several factors that may have led to the spike, including pollutants like DDT, the letter said. Those can be transported up the food chain from sediments to invertebrates to fish, and then to top predators like sea lions.

"For the long term, we urge more investment into research and studies that will unlock our understanding of risks and disease manifestations from pollutants in our oceans," the letter said.

GOP Ag Committee members want EPA to reverse chlorpyrifos decision
NA, Michigan Farm News
https://www.michiganfarmnews.com/gop-ag-committee-members-want-epa-to-reverse-chlorpyrifos-decision

Republican lawmakers from the Senate and House Ag committees are calling out the EPA for its decision to revoke all food tolerances for chlorpyrifos, effectively banning the popular pesticide.

In a recent letter to EPA administrator Michael Regan, more than 30 members of Congress pointed out how the agency ignored the safety findings of its own scientists when making its decision on chlorpyrifos. The surprise announcement from August has caused tremendous stress for producers who are already struggling to navigate the supply chain crisis.

"EPA's blatant disregard for the work of its career scientists and the significant confusion the Agency's decision has created for producers, channels of trade, and our nation's food supply has inserted further uncertainty and stress for producers attempting to navigate the nation's growing supply-chain problems at a time when producers are making key planting and purchasing decisions on hundreds of millions of acres for the 2022 growing season," the letter states.

"The significance of the supply chain problems and impacts to the producers and rural communities cannot be overstated. As such, we request EPA rescind its August 2021 final rule revoking food tolerances for chlorpyrifos and proceed with reviewing current uses under its ongoing registration review of this chemistry."

Chlorpyrifos is primarily used as a onetime application pre-season by Michigan fruit producers to protect the tree/bush/plant from borer infestation, never touching any part of the harvestable fruit. It's also used in row-crops, including corn, soybeans and sugar beets, to control pests.

For many Michigan growers, a future without chlorpyrifos is bleak.

Beyond their concerns about the decision on chlorpyrifos, the lawmakers say they want to ensure EPA's future actions related to the registration or registration review of crop protection tools are consistent with the science-based, regulatory process required under EPA's congressionally-mandated authorities.

"Unfortunately, our concerns are not limited to this single chemistry," the letter states.

"They extend to the dangerous posture EPA seems to be taking on the valuable tools stakeholders and producers rely upon every day to produce the safest, most abundant, and most affordable food supply in the world."

Court seeks firm's benefits data to help settle COVID case with EPA
NA, Inside TSCA
https://insideepa.com/tsca-takes/court-seeks-firm-s-benefits-data-help-settle-covid-case-epa

A federal magistrate is requiring a wipes manufacturer to provide economic benefits materials early next month in an effort to help settle the company's suit seeking to block a threatened EPA enforcement action over its product's claimed benefits in preventing COVID-19.

Magistrate Judge Barbara Moses, of the U.S. District Court for the Southern District of New York, issued a Nov. 18 order in Tzumi Innovations v. EPA requiring the manufacturer by Dec. 3 to produce "economic benefit" materials that had been discussed during a recent conference in order for settlement talks to continue.

"Promptly upon production of the economic benefit materials, the parties shall continue their settlement negotiations bilaterally and in good faith, including at least one "real time" settlement discussion (in person or by telephone or videoconference) of the outstanding issues," Moses states in her filing.

The judge adds, "Each party shall convey to the opposing party at least one good-faith settlement demand or offer, in advance of the deadline, set forth below, for submitting a confidential settlement update letter to the Court. Prior negotiations and/or settlement proposals cannot be relied upon for the purpose of this Order."

EPA and Tzumi will have to submit a joint confidential settlement update letter by no later than Dec. 17, confirming that both parties have complied with the court orders, "updat[ing] the Court as to each party's current settlement position," stating whether or not an additional settlement conference would be helpful, and if yes, providing potential dates.

Tzumi had sued EPA to block a threatened enforcement action over its line of "Wipe-Out!" hand wipes, after the agency sent letters warning that the products' label and advertising text constituted an attempt to sell the wipes as surface cleaners without a Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) registration.

The 2020 action from EPA came at the height of the COVID-19 pandemic, when the agency was taking steps on multiple fronts to stop the sale and advertisement of products that falsely marketed themselves as being effective against the coronavirus.

Tzumi had accused EPA of "bureaucratic panic," saying the agency "handed out threatening Advisory Letters left and right," and alleged financial harm with a claim that after it received advisory letters and was warned of a potential FIFRA stop sale, use or removal order (SSURO), the company faced $10 million in lost or cancelled sales from three "major Tzumi customers."

EPA denied the claim, saying neither of those actions constituted a "final action" under federal precedent.

Ultimately, the two parties entered settlement talks after District Judge Lorna G. Schofield decided against Tzumi's claim that EPA had overstepped its authority by issuing warnings to the manufacturer of a product that was already regulated by the Food and Drug Administration (FDA).

Any settlement will avoid a potentially precedential ruling in the case, the last of a series suits brought against the agency after it tightened its enforcement of FIFRA during the earlier stages of the pandemic -- all of which have been settled.

A joint letter from the two litigants stated that each side "believe[s] that mediated settlement discussions may be productive."

Pesticides Can Affect Multiple Generations of Bees
UC Davis, YubaNet
https://yubanet.com/california/pesticides-can-affect-multiple-generations-of-bees/

November 29, 2021 – A new study from researchers at the University of California, Davis, finds that pesticides not only directly affect bee health, but effects from past exposure can carry over to future generations. The study, published in the journal Proceedings of the National Academy of Sciences, suggests that bees may require multiple generations to recover from even a single application.

Bees play a critical role in agricultural ecosystems, providing pollination for many important crops. In most agricultural areas, bees may be exposed to pesticides multiple times, over multiple years. Studies to date have only looked at exposure to pesticides in one life stage or over one year.

"It was important for us to understand how exposure persists from one generation to the next," said lead author Clara Stuligross, a Ph.D. candidate in ecology at UC Davis. "Our findings suggest we need to be doing more to help mitigate risks or we limit critical pollination services."

Reproduction drops

In the study, the blue orchard bee was exposed to imidacloprid — the most commonly used neonicotinoid in California — according to amounts recommended on the label. Neonicotinoids are a class of insecticides chemically related to nicotine. Stuligross said the exposures were similar to what the bees would experience in the field. Female bees that were exposed to the insecticide as larvae had 20% fewer offspring than bees not exposed. Those bees that were exposed as larvae and as adults had 44% fewer offspring.

"We gave them one application in the first year and one in the second — that's a pretty standard exposure. Even then, we saw strong results that added up, each exposure reducing fertility," said Stuligross.

Populations affected
Because the impacts of insecticides tend to be additive across life stages, repeated exposure has profound implications for population growth. The research showed that bees exposed to neonicotinoids in both the first and second year resulted in a 72% lower population growth rate compared to bees not exposed at all. Neonicotinoids also persist in the environment long after application.

The study reveals how past pesticide exposure can have lasting impacts, said co-author Neal Williams, professor of entomology at UC Davis. "One could draw parallels to human health where impacts early in development show up much later in life," he said. "We just didn't know the same was true for bees. Now we do and we need to continue to manage risks appropriately."

The study was supported by a UC Davis Jastro Research Award, a UC Davis Ecology Graduate Research Fellowship, a National Science Foundation Graduate Research Fellowship, the National Science Foundation and the UC Davis Department of Entomology through the Harry H. Laidlaw Jr. Bee Research Facility and Laidlaw Endowment.

EPA Proposes SNUR for Certain Multi-Walled Carbon Nanotubes
Lynn L. Bergeson & Carla N. Hutton, Bergeson & Campbell Blogs
https://nanotech.lawbc.com/

On November 24, 2021, the U.S. Environmental Protection Agency (EPA) proposed significant new use rules (SNUR) under the Toxic Substances Control Act (TSCA) for a number of chemical substances that were the subject of premanufacture notices (PMN) and are also subject to Orders issued by EPA pursuant to TSCA. 86 Fed. Reg. 66993. The proposed SNURs include one for a chemical substance identified generically as multi-walled carbon nanotubes (PMN P-20-72). According to EPA, the PMN states that the generic (non-confidential) use of the substance will be as an additive used to impart specific physiochemical properties to finished articles. According to EPA, it identified concerns for lung effects (lung overload and lung carcinogenicity) if respirable, poorly soluble particulates and fibers are inhaled, as well as concerns for eye irritation and systemic effects. EPA notes that based on the presence of a confidential residual, it also identified concerns for acute neurotoxicity, dermal and respiratory sensitization, mutagenicity, and carcinogenicity. EPA issued the Order on September 29, 2020, under TSCA Sections 5(a)(3)(B)(ii)(I) and 5(e)(1)(A)(ii)(I), based on a finding that in the absence of sufficient information to permit a reasoned evaluation, the substance may present an unreasonable risk of injury to human health or the environment. To protect against these risks, the Order requires:

Use of personal protective equipment (PPE) where there is a potential for dermal exposure;
Use of a National Institute for Occupational Safety and Health (NIOSH)-certified particulate respirator with N-100, P-100, or R-100 cartridges with an assigned protection factor (APF) of at least 50 where there is a potential for inhalation exposure;
No domestic manufacture of the PMN substance (e., import only);
No exceedance of the confidential annual importation volume listed in the Order;
No importation of the PMN substance other than as confidentially described in the PMN and allowed in the Order;
No importation of the PMN substance such that the maximum weight percentage of the confidential impurity exceeds the confidential percentage identified in the Order;
No processing or use of the PMN substance other than for the confidential use allowed in the Order;

Disposal of the PMN substance and any waste streams from processing and use containing the PMN substance by incineration or landfill only;
No release of the PMN substance directly to air;
No processing or use of the PMN substance in application methods that generate a dust, mist, spray, vapor, or aerosol unless such application method occurs in an enclosed process;
Establishment of a hazard communication program, including human health precautionary statements on each label and in the safety data sheet (SDS); and
No release of the PMN substance to water.
The proposed SNUR would designate as a "significant new use" the absence of these protective measures. The proposed SNUR requires persons who intend to manufacture (defined by statute to include import) or process the chemical substances for an activity that is proposed as a significant new use to notify EPA at least 90 days before commencing that activity. Comments on the proposed SNUR are due December 27, 2021.

CA Supreme Court Upholds $87M Award in Glyphosate Damage Lawsuit, Bayer/Monsanto Challenge Fails
NA, Beyond Pesticides
https://beyondpesticides.org/dailynewsblog/2021/11/ca-supreme-court-upholds-87m-award-in-glyphosate-damage-lawsuit-bayer-monsanto-challenge-fails/

(Beyond Pesticides, November 30, 2021) The chronicle of developments in the glyphosate saga has just grown longer: the California Supreme Court has rejected a request by Bayer AG for review of the August 2021 First District Court of Appeal (San Francisco) ruling, for the plaintiffs, that Monsanto knowingly marketed a product — Roundup — whose active ingredient (glyphosate) could be dangerous. The $87 million in damages awarded to the plaintiffs in the litigation, Alberta and Alva Pilliod, has thus survived Bayer's challenge. This highest state court decision racks up another loss for Bayer (which now owns the Monsanto "Roundup" brand) — despite its dogged insistence, throughout multiple lawsuits (with many more still in the pipeline), that glyphosate is safe. Beyond Pesticides has covered the glyphosate saga extensively; see its litigation archives for multiple articles on glyphosate lawsuits.

Glyphosate has been the subject of a great deal of public, advocacy, and regulatory attention, as well as the target of thousands of lawsuits — particularly since the 2015 declaration by the IARC (International Agency for Research on Cancer) that the compound is a likely human carcinogen. In June 2020, facing approximately 125,000 suits for Roundup's role in cancer outcomes, Bayer announced a $10 billion settlement to resolve roughly 75% of current and potential future litigation; claimants who signed on to the settlement were to receive compensation and were not to pursue any additional legal action.

That said, roughly 30,000 complainants ultimately did not sign on to the settlement, so the queue of potential lawsuits is still potentially enormous. Seeing the writing on the wall, Bayer tried for a second settlement (of roughly $2 billion) to handle any future claims, but in 2021, a U.S. District Court judge (for the Northern District of California) rejected Bayer's settlement proposal, saying that it was inadequate for future victims diagnosed with cancer after using the herbicide.

Still, Bayer has never acknowledged any harm caused by glyphosate. Indeed, the company responded to the California Supreme Court's decision with this: "We continue to stand strongly behind the safety of Roundup, a position supported by assessments of expert regulators worldwide as well as the overwhelming weight of four decades of extensive science." Fast forward to late July 2021, when Bayer announced its plan to end sales of its glyphosate-based herbicides (including its flagship product, Roundup) in the domestic U.S. residential lawn and garden market in 2023.

At the same time, it also announced its allocation of $4.5 billion to meet potential long-term "exposure" (i.e., financial liability resulting from lawsuits) through litigation brought by people who would suffer harms in the future. Bayer noted that, in lieu of glyphosate for its residential lawn and garden market products, it plans to change to herbicide formulations that "rely on alternative active ingredients" in order to "manage litigation risk and not because of any safety concerns."

Lest the announcement generate too much excitement (welcome as the move is), Beyond Pesticides noted that: (1) this still leaves Roundup on the market for agricultural food production — where glyphosate gets the heaviest use — and particularly, for use with genetically engineered crops; and (2) what will replace glyphosate in the company's herbicide formulations is not yet clear, but the residential herbicide market will likely shift to other toxic weed killers to replace glyphosate uses. There is an opportunity, and compelling reason, for members of the public to change their lawn and garden purchasing practices, and for and communities to transition to organic land management practices, which are not dependent on the application of toxic compounds. (See Beyond Pesticides' Health Effects of 30 Most Commonly Used Pesticides.)

The Pilliods brought suit against the company in 2019 after both developed [...]

++
+

For more news, visit:

- Inside EPA: https://insideepa.com/
- Inside TSCA: https://insideepa.com/inside-tsca-home
- Bloomberg Environment and Energy: https://news.bloombergenvironment.com/environment-and-energy/

This email inbox is not regularly monitored. If you'd like to be removed or would like to add someone to the listserv please contact Bailey Rosen at Rosen.Bailey@epa.gov or Olivia Brinks at Brinks.Olivia@epa.gov. Feedback, questions, and interesting articles are welcomed. Thanks and enjoy!
"